

FILED

MAR 24 2022

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,
ex rel. Deborah Schmidt, et al.

Plaintiff,

v.

THE TOLEDO CLINIC, INC.,

Defendants.

) CASE NO.: 3:15CV2288

) JUDGE JEFFREY J. HELMICK

) ELECTION TO INTERVENE IN PART

) FILED EX PARTE AND UNDER SEAL

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States respectfully advises the Court of its election to intervene in part, for the purpose of settlement, with respect to relators' allegations that Defendant Toledo Clinic, Inc. knowingly submitted false claims for tests ordered for Medicare beneficiaries treated at the Cognitive Center. The United States declines to intervene as to the remaining claims and Defendants.

The Government requests, pursuant to 31 U.S.C. § 3730(b) that the relators' complaints, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' non-public investigation, including its methods and thought processes for

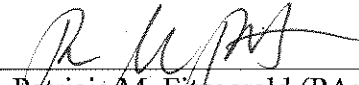
assessing relators' allegations, the government's submissions were provided under § 3730(b)(3) to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended. *See id.* 3730(b)(2)-(3) (providing only for the unsealing of the *in camera* complaint).

A proposed order accompanies this notice.

Respectfully submitted,

MICHELLE M. BAEPLER
Acting United States Attorney

By:


Patricia M. Fitzgerald (PA: 308973)
Assistant United States Attorney
United States Court House
801 West Superior Avenue, Suite 400
Cleveland, OH 44113
(216) 622-3779
(216) 522-2404 (facsimile)
Patricia.Fitzgerald2@usdoj.gov

Guillermo J. Rojas (0069882)
Assistant United States Attorney
Four Seagate, Third Floor
Toledo, Ohio 43604
(419) 259-6376
Guillermo.Rojas@usdoj.gov

CERTIFICATE OF SERVICE

A copy of the United States' Notice of Election to Intervene in Part will be sent by regular U.S. Mail on the 24th day of March 2022 to:

Michelle Krantz
David Zoll
Zoll & Krantz LLC
6620 W. Central Ave., Suite 100
Toledo, OH 43617